

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES E. BILLIOT

PETITIONER

VS.

CIVIL ACTION NO. 1:86CV549TSL

**CHRISTOPHER B. EPPS, Commissioner,
Mississippi Department of Corrections and
LAWRENCE KELLY, Superintendent,
Mississippi State Penitentiary**

RESPONDENTS

JUDGMENT

This matter came before the court on James Billiot's Petition for Writ of Habeas Corpus by a Person in State Custody. In a Memorandum Opinion and Order entered on August 13, 2003, this court determined that Billiot was not entitled to relief on any issue raised in the Petition, with the exception of his claim that he was incompetent to be executed. That issue was reserved for a later ruling, and the court held a hearing on that issue on June 25-26, 2009. After hearing testimony and reviewing the exhibits and pleadings submitted by counsel, the court entered another Memorandum Opinion and Order on November 3, 2009, in which it determined that Billiot was entitled to habeas relief on his claim of incompetence.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Petition for Writ of Habeas Corpus filed by James Billiot is hereby **granted** as to his claim that he is presently incompetent to be executed, but **denied** in all other respects.

IT IS FURTHER ORDERED that the appropriate officials of the State of Mississippi shall suspend Billiot's death sentence and transfer him to the Mississippi State Hospital under the provisions of Mississippi Code Annotated § 97-19-57 within sixty days of the entry of this

Memorandum Opinion and Order. Failure to do so will result in the issuance of a writ for Billiot's immediate release.

SO ORDERED AND ADJUDGED this 5th day of November, 2009.

/s/ Tom S. Lee

UNITED STATES DISTRICT JUDGE